

Appl. No. 10/787,062
Amdt. Dated July 5, 2007
Reply to Office Action of April 5, 2007

Attorney Docket No. 81880.0115
Customer No. 26021

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig 2.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS:

Minor changes are made to Fig. 2. Support for these changes can be found at p. 8 lines 2-11 of Applicant's specification. Claims 2 and 3 are amended, and now depend from claim 1. Support for the amendment to claim 3 can be found at p. 11, line 22-p. 12, line 1 of Applicant's specification. Claims 4-8 are canceled without prejudice. Claims 1-3 and 9 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The present invention relates to an artificial knee joint used to properly restore knee joints significantly deformed by chronic rheumatism, osteo-arthritis, pseudogout, and sudden osteonecrosis or the like. (Applicant's specification, at p. 1, lines 5-8).

ALLOWABLE SUBJECT MATTER:

At page 6 the Examiner indicated that claims 1 and 9 are allowed and that claim 3 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph. Applicant thanks the Examiner for the allowable subject matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

Claims 2-8 stand rejected under 37 C.F.R § 112, first paragraph, as failing to comply with the written description requirement. Claims 2-8 stand rejected under 37 C.F.R § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 4-8 have been canceled and therefore the rejection of those claims is now moot.

At pages 2-3 of the Office Action, claims 2 and 3 were rejected, based upon their dependence from claim 4. Claims 2 and 3 are now dependant on allowed claim 1. Additionally, claim 3 was also rejected for reciting "the circular arc" for which there was insufficient antecedent basis because the Office contends that it is unclear which circular arc is referred to. In response, Applicant has amended the claim to specifically identify the circular arc referred to. (See Specification at page 11, line 22 – page 12, line 1.)

In response, Applicant has amended claims 2 and 3 to depend from allowed independent claim 1, and have addressed the reasons cited by the Office Action for the rejections.

Withdrawal of these rejections is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 4-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Otto et al. (U.S. Patent Application No. 20004/0243244 A1). This rejection is moot because claims 4-8 are cancelled without prejudice.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Otto in view of Roger (U.S. Patent No. 5,935,173).

Claims 2 and 4-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roger in view of Otto.

Claims 4-8 are canceled and therefore the rejections against those claims are now moot.

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Claims 2 has been amended to depend from allowed independent claim 1. As such, claim 2 is patentable for at least the same reasons as claim 1.

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action.

Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

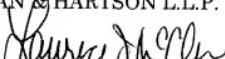
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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: July 5, 2007

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